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THE REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE-COCHIN MEDICAL PRACTITIONERS BILL.

To

The Speaker,

Legislative Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider and report on the Travancore-Cochin Medical Practitioners Bill, have considered the Bill clause by clause and beg to submit this our

REPORT.

1. The Bill was published in the Gazette Extraordinary dated 18th July 1952.

II. We are of opinion that the Bill may be adopted subject to the following amendments :—

1. In the Preamble—

(i) for the words "modern and indigenous systems of medicine" substitute the words "modern medicine, homoeopathic medicine and indigenous medicine"; and

(ii) for the words "spread of such systems" substitute the words "spread of such medicines".

The Government of India have adopted the nomenclature "modern medicine" for the allopathic system of medicine and "indigenous medicine" for the Indian systems of medicine. Hence the amendment.

2. In sub-clause (i) of clause 1, for the figures "1952" substitute the figures "1953".

3. In clause 2—

(i) Omit sub-clauses (a) anb (b) and re-letter the subsequent sub-clauses;

(ii) re-letter sub-clause (c) as sub-clause (a) and for that sub-clause substitute the following sub-clause:—

"(a) 'Council' means in relation to matters pertaining to modern medicine, the Council of Modern Medicine, in relation to matters pertaining to homoeopathic medicine, the Council of Homoeopathic Medicine, and in relation to matters pertaining to indigenous medicine, the Council of Indigenous Medicine, established under Section 3";

(iii) after sub-clause (a), insert the following sub-clause and re-letter sub-clauses (d), (e) and (f) as sub-clauses (c), (d) and (e):—

"(b) Homoeopathy' means the system of medicine founded by Dr. Hahenmann and the expression 'homoeopathic' shall be construed accordingly;"

(iv) in sub-clause (d) re-lettered as sub-clause (c) for the words "approved by the Council or the Board", substitute the words "approved by the appropriate Council";

(v) for sub-clause (e) re-lettered as sub-clause (d), substitute the following sub-clause :—

"(d) 'Indigenous medicine' means the ayurvedic medicines, the siddha medicine and the unani tibbi medicine whether supplemented or not by such modern advances as the Council of Indigenous Medicine may from time to time recognise";

(vi) in sub-clause (f) re-lettered as sub-clause (e), for the words "according to the modern or indigenous systems of medicine," substitute the words "according to modern medicine, homoeopathic medicine or indigenous medicine;

(vii) omit sub-clause (g) and re-letter subsequent sub-clauses (h) and (i) as sub-clauses (f) and (g);

(viii) for sub-clause (h) re-lettered as sub-clause (f), substitute the following sub-clause :—

"(f) 'modern medicine' means the allopathic system of medicine";

(ix) for sub-clause (i) re-lettered as sub-clause (g), substitute the following sub-clause:—

"(g) 'practitioner' means any person ordinarily engaged in the practice of modern medicine or homoeopathic medicine or indigenous medicine, as the case may be";

(x) omit sub-clause (j) and re-letter sub-clauses (k) and (l) as sub-clauses (h) and (i);

(xi) in sub-clause (k) re-lettered as sub-clause (h), for the word "Council," substitute the words "appropriate Council;"

(xii) omit sub-clause (m), and re-letter sub-clauses (n), (o), (p), (q), (r), (s) and (t) as sub-clauses (j), (k), (l), (m), (n), (o) and (p);

(xiii) in sub-clause (n) re-lettered as sub-clause (j), for the words and figures "Schedule I or Schedule II," substitute the words "the Schedule";

(xiv) in sub-clause (p) re-lettered as sub-clause (l) omit the words "or a practitioner who is deemed to be registered under this Act";

(xv) for sub-clause (q) re-lettered as sub-clause (m) substitute the following sub-clause :—

"(m) 'Registrar' means the Registrar of the appropriate council appointed under Section 19";

(xvi) in sub-clause (r) re-lettered as sub-clause (n) for the words "made by the Council or the Board," substitute the words "made by the appropriate Council";

(xvii) in sub-clause (t) re-lettered as sub-clause (p), for the words "a Schedule," substitute the words "the Schedule"; and

(xviii) omit sub-clause (u).

When introducing the Bill the Minister in Charge stated that the necessity for a separate Council for homoeopathic medicine was strongly urged before Government and that Government decided to provide for a separate Council for that medicine. There was also a demand for it made by some members of the Assembly. We have accordingly provided for three Councils, one for modern medicine, another for homoeopathic medicine, and a third for indigenous medicine. Instead of dealing with matters pertaining to these three Councils in separate Chapters, we have provided for all the Councils in one Chapter, namely Chapter II and have proposed to omit the Chapter relating to indigenous medicine and also Schedule II. Consequential and incidental changes wherever necessary have also been made.

4. For the heading under Part II, substitute the following :—

"Establishment of Councils."

5. For clauses 3 and 4 substitute the following clauses:—

"3. (1) The Government shall, by notification in the Gazette, establish the following three Councils:—

Establishment, incorporation and constitution of Councils.

(a) the Council of Modern Medicine;

(b) the Council of Homœopathic Medicine; and

(c) the Council of Indigenous Medicine.

Each such Council shall be a body corporate, and have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) (i) The Council of Modern Medicine shall consist of the following nine members:—

(a) the Surgeon General, *ex-officio* member;

(b) one member elected by the Faculty of Medicine, University of Travancore, from among themselves;

(c) one member elected by the teachers of the Medical College, Trivandrum, from among themselves;

(d) four members elected by the registered practitioners of modern medicine from among themselves; and

(e) two members nominated by the Government.

(ii) In making nominations under clause (i) (e), the Government shall have due regard to the claims of women, of medical missions and of other groups of practitioners, representatives of whom have not been elected by the electorates referred to in clauses (i) (b), (i) (c) and (i) (d).

(3) The Council of Homeopathic Medicine shall consist of the following five members:—

(a) four members, one from each Revenue District elected by the registered practitioners of Homœopathic Medicine of that district; and

(b) one member nominated by the Government.

(4) The Council of Indigenous Medicine shall consist of the following eleven members:—

(a) one member elected by the Faculty of Ayurveda, University of Travancore from among themselves;

(b) One member elected from among themselves by the teachers of—

(i) the Ayurveda College, Trivandrum;

(ii) the Ayurveda Bhooshana Section of the Sanskrit College, Trippunithura;

(iii) the Madhava Ayurveda College, Ernakulam;

(c) four members, one from each Revenue District elected by the registered practitioners of Ayurvedic medicine of that district from among themselves;

(d) one member elected by the registered practitioners of the Ayurvedic grant-in-aid Vaidyans from among themselves;

(e) two members elected by the registered practitioners of Siddha medicine from among themselves;

(f) one member elected by the registered practitioners of Unani tibbi medicine from among themselves;

(g) one member nominated by the Government from among the registered practitioners of indigenous medicine:

Provided that if there are not at least twenty-five registered practitioners in the Ayurvedic medicine or the Siddha medicine or the Unani tibbi medicine, the Government shall nominate a member in respect of that medicine from among the registered practitioners of that medicine and the member so nominated shall for the purposes of this sub-section be deemed to have been duly elected.

(5) Notwithstanding anything contained in sub-section (4), the Government may by notification in the Gazette direct that the Council of Indigenous Medicine shall consist of less than eleven members if there are no qualified registered practitioners in the Ayurvedic medicine or the Siddha medicine or the Unani tibbi medicine to be elected from among them".

We have redrafted clause 3 to provide for the establishment and constitution of three Councils, one for modern medicine, another for homoeopathic medicine and a third for indigenous medicine. The Council of Modern Medicine will consist of nine members, the Council of Homoeopathic Medicine will consist of five members and the Council of Indigenous Medicine will consist of eleven members. In the case of the Council of Indigenous Medicine, we feel that representation should be given to the teaching staff of the Sanskrit College, Thrippunithura the Madhava Ayurveda College, Ernakulam and also to the ayurvedic grant-in-aid vaidyans. Accordingly we have made suitable provision in clause 3. We have also proposed that the Surgeon General shall be *ex-officio* member of the Council of Modern Medicine.

Nomination of members in default of election.

4. If any of the members mentioned in clause (i) (b), (i) (c) or (i) d of sub-section (2) or in clause (a) of sub-section (3) or in clause (a), (b), (c), (d), (e) or (f) of sub-section (4) of Section 3 is not elected, the Government may nominate such qualified registered practitioner as they may deem fit; and the practitioner so nominated shall, for the purposes of this Act, be deemed to have been duly elected under clause (i) (b), (i) (c) or (i) (d) of sub-section (2) or clause (a) of sub-section (3) or clause (a), (b), (c), (d), (e) or (f) of sub-section (4) of Section 3, as the case may be."

This is consequent on the redrafting of clause 3.

6. In clause 5, for "the Council" substitute "Council" and omit "enumerated in Schedule I".

7. For clause 6, substitute the following clause :—

"6. Notwithstanding anything contained in Section 3, 4 and 5 in the case of the first Councils, all the members other than the *ex-officio* member shall be nominated by the Government:

Nomination of members of first Councils.

Provided that the members so nominated shall be holders of recognised qualifications."

8. In clause 7—

(i) in the opening paragraph, for the words "the Council", substitute the words "a Council";

(ii) for sub-clause (d), substitute the following sub-clause:—

"(d) if he has been convicted by a criminal court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years or such less period as the Government may allow in any particular case has elapsed since his release";

(iii) in sub-clause (e), for the word "Council" substitute the words "appropriate Council" and for the words "or if he is dismissed from service under the State Government or the Government of India or the Government of any State in India" substitute the words "or if he is dismissed from service under any Government";

(iv) for sub-clause (f), substitute the following sub-clause:
"(f) if his name has been removed from the appropriate register and has not been reinstated;

(v) in sub-clause (g), for 'clause (a)', substitute "clause (i) (b)";

(vi) in sub-clause (h), for "clause (b)", substitute "clause (i) (c)";

(vii) after sub-clause (h), insert the following sub-clauses:—

"(i) if having been elected under clause (a) of sub-section (4) of Section 3, he ceases to be a member of the Faculty of Ayurveda, University of Travancore;

(j) if having been elected under clause (b) of sub-section (4) of Section 3, he ceases to be a member of the teaching staff of the Ayurveda College, Trivandrum or of the Ayurveda Bhooshana Section of the Sanskrit College Trippunithura, or of the Madhava Ayurveda College, Ernakulam".

The amendments are mostly consequential. In regard to disqualification arising out of conviction of an offence, we have recast sub-clause (d) to bring it into conformity with the corresponding provision in the Nurses and Midwives Bill.

9. In clause 8—

(i) For sub-clause (1), substitute the following sub-clause :—

"(1) Save as otherwise provided in this Act, the term of office of the members other than the *ex-officio* member shall—

(a) in the case of the first Council, be for a period of two years commencing from the date on which the first meeting of such Council is held; and

(b) in the case of any Council other than the first Council, be for a period of five years from the date on which the first meeting of such Council is held."

(ii) in sub-clause (3), add the words "if otherwise qualified" at the end.

We are of the opinion that the term of the first Council should be limited to two years. We have accordingly recast sub-clause (1) of clause 8.

10. In clause 9—

(i) in sub-clause (1), for the words "the Council" substitute the words "Each Council" and omit the words "other than the president";

(ii) in sub-clause (2), between the word "office" and the word "on", insert the words "on resignation or";

(iii) in sub-clause (3), for clause (a), substitute the following clause:—

"(a) on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member; and"

(iv) after sub-clause (4), insert the following sub-clause and renumber sub-clause (5) as sub-clause (6):—

"(5) When the office of the president is vacant or the president is incapacitated and there is either a vacancy in the office of the vice-president or the vice-president is incapacitated, the Registrar shall, after giving notice of not less than seven clear days to the members of the Council, convene a meeting for the election of a president, if there is a vacancy in that office, and until a new president or vice-president is elected and assumes office, or either the president or the vice-president recovers from his incapacity, as the case may be, the Surgeon-General shall, notwithstanding anything contained in this Act, be *ex-officio* member and president of the Council."

We have made it clear that on resignation, the president and the vice-president vacate office. We have also proposed a new sub-clause to provide for the presidency of the Council in case the office of both the president and the vice-president is vacant or when both the president and vice-president are incapacitated.

11. In clause 10—

(i) in the opening paragraph, for the words "the Council" substitute the words "a Council" and for the word "place", substitute the word "vacancy";

(ii) for the proviso, substitute the following proviso:—

"Provided that it shall be lawful for a Council to exercise its powers under this Act, notwithstanding such vacancy."

12. In clause 11, for the words "All appointment" substitute the words "All elections, nominations and appointment" and for the words "the Council" substitute the words "each Council."

13. In clause 12 for the words "the Council" where they occur for the first time, substitute the words "a Council"; where they occur for the second time, substitute the words "the appropriate Council" and where they occur for the third time, substitute the words "such Council".

14. In clause 13—

(i) for the word "notice" in both places where it occurs, substitute the words "notice in writing"; and

(ii) for the word "Council" where it occurs for the first time substitute the words "appropriate Council".

15. (a) Renumber clause 14 as sub-clause (1) of that clause and in that sub-clause—

(i) for the words "the Council" where they occur for the first time substitute the words "a Council";

(ii) for the word "vitiate" substitute the word "invalidate"; and

(iii) for the words "the Council" where they occur for the second time, substitute the words "such Council".

(b) after sub-clause (1), insert the following sub-clause:—

"(2) No act done by a Council shall be deemed to be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of such Council".

We are of the opinion that no act of the Council should be invalidated on the ground of any vacancy in or defect in the constitution of the Council. We have accordingly inserted a new sub-clause.

16. In clause 15, for the words "the Council" where they occur for the first time, substitute the words "Each Council".

17. In clause 16—

(i) for the word "Council" wherever it occurs except for the last time, substitute the words "appropriate Council"; and

(ii) in sub-clause (4)—

(a) for the words "Five members shall form a quorum", substitute the words "Five members shall form a quorum except in the case of the Council of homoeopathic medicine for which the quorum shall be three; and

(b) for the words "a quorum is not present", substitute the words "there is no quorum", in both the places.

18. In clause 17—

(i) for the words "the Council", where they occur for the first time, substitute the words "each Council"; and

(ii) omit the word "reasonable".

19. In clause 18—

(i) for the words "the Council", where they occur for the first time, substitute the words "each Council";

(ii) omit the words "of which the quorum shall not be less than three"; and

(iii) for the words "see fit", substitute the words "deem fit".

20. In clause 19—

(i) in sub-clause (1) —

(a) for the first sentence, substitute the following sentence: —

"The Government shall, after consulting each Council, appoint a Registrar who shall be the Secretary to such Council";

(b) for the last two sentences substitute the following sentence :—

"The Government may grant him leave and may appoint a person to act in his place".

(ii) for sub-clause (2), substitute the following sub-clause :—

"(2) Subject to such rules as may be prescribed, each Council shall have power to punish the Registrar. Any order of such Council punishing the Registrar shall not take effect without the previous approval of the Government".

(iii) in sub-clause (3) —

(a) for the words "the Council", substitute the words "Each Council";

(b) for the word "Part", substitute the word "Act"; and

(c) omit the second proviso.

(iv) in sub-clause (4), for the words "All questions of pay", substitute the words "The method of recruitment and the conditions of service such as pay", and add the words "of similar class" at the end.

We are of the opinion that, for administrative convenience, the power to appoint a Registrar should vest with the Government and that the powers of the Council to punish the Registrar should be made specific. We have accordingly proposed suitable amendments in clause 19.

21. In clause 20 —

(i) in sub-clause (1), for the word "Part", substitute the word "Act" and for the word "Council", substitute the words "appropriate Council";

(ii) for sub-clause (2), substitute the following sub-clause :—

"(2) There shall be separate registers for modern medicine, homœopathic medicine, ayurvedic medicine, siddha medicine and unani tibbi medicine. The registers shall be in such form and shall contain such particulars as may be prescribed by rules. Each register shall be divided into two parts, A and B, part A containing the names of practitioners holding recognised qualifications and part B containing the names of those registered by virtue of clause (ii) of sub-section (1) of Section 23" ;

(iii) in sub-clause (3) —

(a) for the word "Part" substitute the word "Act" ;

(b) for the words "shall have died", substitute the words "are dead" ;

(c) for the figures "27" and "35", substitute the figures "28" and "34" ;

(d) omit the words beginning with "and shall also from time to time" and ending with the words "registered under this Part" ;

(iv) for the proviso to sub-clause (4), substitute the following proviso :—

"Provided that the appropriate Council may, on the application of the said practitioner, direct that his name be re-entered in the register, if it is satisfied that the said practitioner has not ceased to practice".

22. In clause 21 —

(i) for sub-clause (1), substitute the following sub-clause; —

"(1) As soon as the first Council is formed, the Council of Modern Medicine and the Council of Indigenous Medicine shall each appoint a Committee of five members and the Council of Homœopathic Medicine shall appoint a Committee of three members. The Registrar and the Secretary to Government in charge of the Health Section shall be *ex-officio* members of each Committee. Three members shall form the quorum for each committee" ;

(ii) in sub-clause (2) —

(a) for the word "Part" substitute the word "Act" ;

(b) for the words "the Council", where they occur for the first time, substitute the words "the appropriate Council" ;

(c) for the words "the Council", where they occur for the second time, substitute the words "such Council".

(iii) in sub-clause (3) —

(a) for the words "the Council", where they occur for the first time, substitute the words "the appropriate Council" ; and

(b) for the words "the Council", wherever they occur elsewhere substitute the words "such Council".

23. In clause 22—

(i) in sub-clause (1)—

(a) for the words, "the Council" where it occurs for the first time substitute the words "a Council";

(b) for the words "the Council" wherever they occur, elsewhere substitute the words "such Council";

(c) for the word "Part" wherever it occurs substitute the word "Act";

(ii) in sub-clause (2)—

(a) for the words "the Council" where it occurs for the first time substitute the words "a Council";

(b) omit the word "convenient".

24. In clause 23—

(i) in sub-clause (1)—

(a) in clause (i) omit the words "enumerated in Schedule I";

(b) in clause (ii), after the word "proves", insert the words "to the satisfaction of the appropriate Council", for the word "ten", substitute the word "five", and for the words "preceding the date on which he makes the application for being registered as a practitioner under this Part and", substitute the words "preceding the first day of April 1953";

(c) omit clause (iii);

(d) for the word "Part", substitute the word "Act".

(ii) in sub-clause (2), for the word and figure "Schedule I" substitute the words "the Schedule".

(iii) in sub-clause (3)—

(a) for the words "the Council" where they occur for the first time, substitute the words "the appropriate Council";

(b) for the words "the Council" wherever they occur elsewhere substitute the words "such Council"; and

(c) for the word and figure "Schedule I" substitute the words "the Schedule";

(iv) in sub-clause (4), for the words "or nursing home", substitute the words "nursing home, dispensary, vaidyasala or dharmasala".

We are of the opinion that the qualifying period for enabling a practitioner to get himself registered should be reduced to five years and that this should be proved by the applicant to the satisfaction of the appropriate council. We are further of the opinion that hereafter no person who does not hold a recognised

qualification should be allowed to be registered and that therefore the provision for holding examinations to confer B class registration should be omitted. We have accordingly proposed the necessary changes in clause 23.—

25. In clause 24,

(i) in sub-clause (1)—

(a) for the word "Part", substitute the word "Act";

(b) for the word and figure "Schedule I", substitute the words "the Schedule".

(ii) in sub-clause (2), for the word "Part", substitute the word "Act";

(iii) after sub-clause (2), insert the following sub-clause:—

"(3) If the appropriate council directs the registration of the applicant, the Registrar shall enter the name of the applicant in the appropriate register and issue to him a certificate in such form and containing such particulars as may be prescribed by rules.";

(iv) renumber sub-clause (3) as sub-clause (4) and in that sub-clause as so renumbered—

(a) for the words "in any modern system of medicine", substitute the words "in modern medicine, homoeopathic medicine or indigenous medicine";

(b) for the words "or deemed to be registered under this Part", substitute the words "under this Act";

(v) Omit sub-clause (4);

(vi) after sub-clause (4), insert the following sub-clause:—

"(5) Any practitioner not registered under this Act or to whom sub-section (4) does not apply but registered in any other State in India shall obtain the previous permission of the appropriate Council for practising as a medical practitioner in the State on payment of such fee as may be prescribed by rules".

We are of the opinion that the Registrar should enter the name of an applicant in the register if the Council so directs and that the provision therefor should be more specific. We have recast sub-clause (4) and have adopted the same as sub-clause (3). We have also adopted as sub-clause (5) the provision contained in clause 28 with suitable modifications.

26. After clause 24, insert the following clause and renumber the subsequent clauses:—

List of practitioners as on 1st April 1953.

"25. (1) The Registrar shall prepare and keep a list called "a list of persons in practice on the first day of April 1953".

(2) Every person not being a person qualified for or entitled to registration under this Act, who within a period of one year or such other longer period as may be fixed by the Government, from the commencement of this Act, proves to the satisfaction of the Registrar that he has been in regular practice in the State on the first day of April 1953, of modern medicine, homoeopathic medicine, ayurvedic medicines, siddha medicine or unani tibbi medicine shall be entitled to have his name entered in the aforesaid list on payment of Rs. 10:

Provided however that any person whose name has been removed from the registers maintained under the Travancore Medical Practitioners Act, 1119 or the registers maintained under any Act of a State Legislature in India or the register of any country where he was formerly practising, for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list.

(3) The provisions of sub-sections (3) and (4) of Section 20, Section 27 and Section 33 shall *mutatis mutandis* apply to the list referred to in sub-section (1)."

The Bill as it stands prohibits unregistered persons from practising. This will throw out of their profession a large number of practitioners. We are therefore of the opinion that all persons who have chosen medical practice as their profession and are practising their profession on a specified date should be allowed to continue in their profession. They will not however have the privileges of registered practitioners. For this purpose the Registrar is given power to prepare a list of practitioners as on the date fixed, so that, unqualified persons who hold out as medical practitioners subsequent to the date so fixed and not entered in the list kept by the Registrar could be penalised. To give effect to this we have inserted a new clause as clause 25.

27. For clause 25, substitute the following clause :—

"26. (1) Every practitioner registered under the Travancore Medical Practitioners Act, 1119 shall be deemed to be a practitioner registered under this Act, if at the commencement of this Act, his name stands entered in the appropriate register maintained under the said Act and every certificate of registration issued to every such practitioner shall be deemed to be a certificate of registration issued under this Act.

(2) The Registrar shall as soon as may be after the commencement of this Act enter in the appropriate registers the names of all such practitioners as are referred to in sub-section (1) without an application and without the payment of any fee."

28. In sub-clauses (2) and (3) of clause 26, for the word "Council", substitute the words "appropriate Council".

29. In clause 27—

(i) in the proviso to sub-clause (1), for the word "Council", substitute the words 'appropriate Council'.

(ii) in sub-clause (2)—

(a) for the words and figure "any of the recognised qualifications enumerated in Schedule I", substitute the words "any recognised qualification".

(b) in the proviso, for the word "Council", substitute the words "appropriate Council".

30. Omit clause 28.

The provisions of this clause have been adopted in sub-clause (5) of clause 24.

31. In clause 29—

(i) in sub-clause (1)—

(a) for the words "or deemed to be registered under this Part", substitute the words "under this Act";

(b) for the word "Council", where it occurs for the first time, substitute the words "appropriate Council";

(c) in the first proviso, for the words "commenced and concluded", substitute the words "dropped or commenced and concluded";

(d) in the second proviso, for the word "Council", substitute the words "appropriate Council".

(ii) in sub-clause (2), for the words "on payment of the prescribed fee" substitute the words "on payment of such fee as may be prescribed by rules", and for the word "Part", substitute the word "Act".

32. In clause 30—

(i) in sub-clause (1)—

(a) for the word "Council", substitute the words "appropriate Council";

(b) for the words "registered or deemed to be registered under this Part", substitute the words "registered under this Act";

(ii) in sub-clause (2), for the word "Part", substitute the word "Act".

(iii) in the proviso to sub-clause (iii), for the word "Part" substitute the word "Act".

33. In clause 31—

(i) for sub-clause (1), substitute the following sub-clause:—

"(1) No registered practitioner other than a qualified registered practitioner who has not undergone a course of practical training in surgery or obstetrics under modern medicine to the satisfaction of the appropriate Council shall practice surgery or obstetrics". ;

(ii) in sub-clause (2), for the word "Council", substitute the words "appropriate Council".

34. In clause 32—

(i) In sub-clause (1), for the words "qualified practitioner registered or deemed to be registered under this Part", substitute the words "qualified registered practitioner";

(ii) in sub-clause (2), for the words "qualified practitioner registered or deemed to be registered under this Part and approved by the Government in this behalf", substitute the words "qualified registered practitioner";

(iii) in sub-clause (3)—

(a) for the words "qualified practitioner registered or deemed to be registered under this Part", substitute the words "qualified registered practitioner";

(b) after the word "surgeon", insert the word "vaidyan";

(c) after the words "nursing home", insert the words "vaidyasala, dharmasale".

35. In clause 33—

(i) in sub-clause (1), for the word "decision", substitute the word "action", and for the word "Council", substitute the words "appropriate Council";

(ii) in sub-clause (3)—

(a) for the word "Council", substitute the words "appropriate Council";

(b) for the words "after due and proper inquires", substitute the words "after such inquiries as the Council may deem fit to make".

36. (i) Renumber clause 34 as clause 35 and clause 35 as clause 34;

(ii) in clause 35, renumbered as clause 34, for the word "Council", substitute the words "appropriate Council";

(iii) in clause 34, renumbered as clause 35—

(a) for the words "the Council" substitute the words "a Council";

(b) for the figures "26", substitute the figures "24".

37. Omit clause 36 and renumber the subsequent clauses.

Clause 36 lays down the procedure relating to inquiries under clause 33. We are of the opinion that no specific provision is necessary regarding this. The inquiries may be such as the appropriate Council may deem fit to make. Clause 33 (3) has been emended to give effect to this. There is therefore no necessity for clause 36.

38. In clause 37 renumbered as clause 36—

(i) in sub-clause (1), for the word "Part", substitute the word "Act";

(ii) in sub-clause (2)—

(a) in clause (a), for the word "Part", substitute the word "Act";

(b) in clause (b), omit the words "all matters not expressly provided for in this Part relating to";

(c) for clause (d), substitute the following clause:— "(d) as to the fees and other allowances payable to the president, vice president and the other members of each Council under Section 17";

(d) omit clause (f) and re-letter subsequent clauses;

(e) in clause (i), for the word "Part" substitute the word "Act";

(f) in clause (k), for the words "the Council", substitute the words "each Council";

(g) omit clause (l) and re-letter the subsequent clause;

(h) in clause (m), for the words "the Council", substitute the words "each Council".

39. In sub-clause (1) of clause 38 renumbered 37—

(i) for the words "the Council" substitute the words "each Council" and for the word "Part", substitute the word "Act";

(ii) omit clause (b) and re-letter the subsequent clauses;

(iii) for clause (c) re-lettered as (b) substitute the following clause:—

"(b) the procedure relating to appeals against the action of the Registrar under Section 33";

(iv) in clause (d), re-lettered as (c), for the word "Part", substitute the word "Act".

40. Omit Part III, the heading thereunder and clauses 39 to 74, both inclusive, and renumber the subsequent Parts and clauses thereunder.

Part III relates to indigenous systems of medicine. The provisions of this Chapter have been suitably incorporated in Chapter II.

41. For clause 75, renumbered as clause 38, substitute the following clause:—

Persons not registered under this Act, etc. not to practice.

"38. No person other than (i) a registered practitioner or (ii) a practitioner whose name is entered in the list of practitioners published under Section 30 or (iii) a practitioner whose name is entered in the list mentioned in Section 25 shall practise or hold himself out, whether directly or by implication, as practising modern medicine, homoeopathic medicine, or ayurvedic medicine, siddha medicine or unani tibbi medicine, and

no person who is not a registered practitioner of any such medicine shall practice any other medicine unless he is also a registered practitioner of that medicine:

Provided that the Government may, by notification in the Gazette, direct that this section shall not apply to any person or class of persons or to any specified area in the State where none of three classes of practitioners mentioned above carries on medical practice:

Provided further that this Section shall not apply to a practitioner eligible for registration under this Act who after having filed the application for registration is awaiting the decision of the appropriate Council or of the Government in case of appeal:

Provided also that this Section shall not apply to a practitioner eligible for registration under this Act until the period prescribed. for applications under Section 23 expires.

Clause 75 renumbered as clause 38 prohibits persons other than those registered under the Act or those whose names have been included in the list published under clause 30 from carrying on their profession as medical practitioners. There is still another class of persons, namely persons whose names are entered in the list kept by the Registrar under clause 25 who should be exempted from the operation of clause 75. A further restriction has also to be imposed on the registered practitioners to the effect that a practitioner of one system of medicine shall not practise any other systems of medicine unless he is also a registered practitioner of that system. We have accordingly recast clause 75.

42. In clause 76, renumbered as clause 39, for the figures "75" substitute the figures "38".

43. In clause 77, renumbered as clause 40—

(i) for the words "any of the modern or indigenous systems of medicine", substitute the words "modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine, or unani tibbi medicine",

(ii) for the words beginning with "the Government" and ending with "in this behalf", substitute the words "are mentioned in the Schedule".

This clause provides that the right of conferring degrees etc. shall be exercisable only by institutions authorised by the Government. We are of the opinion that this should be restricted to the authorities mentioned in the Schedule. If there are other institutions which should also have the right to confer degrees etc.; the provisions in clause 47 would enable such institutions to be included in the Schedule. We have accordingly amended clause 40.

44. In sub-clause (1) of clause 78 renumbered as clause 41, for the figures "77", substitute the figures "40" and for the words "any of the modern or indigenous systems of medicine", substitute the words "modern medicine, homoeopathic medicine, or ayurvedic medicine, siddha medicine, or unani tibbi medicine"."

45. In sub-clause (1) of clause 79, renumbered as clause 42—

(i) in the opening paragraph, for the words "any of the modern or indigenous systems of medicine", substitute the words "modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi medicine";

(ii) in sub-clause (ii) of clause (b), for the words and figures "Schedule I or Schedule II" substitute the words "the Schedule".

46. In clause 80, renumbered as clause 43—

(i) for the figures "77", substitute the figures "40";

(ii) for the words "any modern or indigenous systems of medicine", substitute the words "modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi medicine".

47. In clause 81, renumbered as clause 44—

(i) for the word "the Council" where they occur for the first time, substitute the words "a Council".

(ii) omit the words "or the Board", in both places where they occur;

(iii) for the word "the Council" where they occur for the second time, substitute the words "such Council".

48. In clause 83 renumbered as clause 46—

(i) for the words "the Council, the Board", substitute the words "a Council";

(ii) for the words "the Registrar or the Secretary", substitute the words "or the Registrar".

49. For clause 84, renumbered as clause 47, substitute the following clause:—

Alteration of list of recognised qualifications mentioned in the schedule.

"47. If it shall appear to the Government, on the report of the appropriate Council or otherwise, that the course of study and examinations prescribed by any of the medical schools or colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Government, on the report of the appropriate Council or otherwise, that the course of study and examinations prescribed by any medical school or college or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Government, from time to time by notification in the Gazette, to

direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification, not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly."

Clause 84 renumbered as clause 47 confers on Government power to alter the Schedule. We are of the opinion that this clause should be so recast as to provide for the following matters :

(1) to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, if it appears to the Government that the person in possession of such qualification has not secured the requisite knowledge and skill for the efficient practice of his profession;

(2) to direct that the possession of any qualification not entered in the Schedule shall entitle a person to registration under this Act if it appears to the Government that the person in possession of such qualification has secured the requisite knowledge and skill for the efficient practice of his profession. When a direction as aforesaid is issued by the Government, the Schedule shall be deemad to be altered accordingly. We have recast clause 84, to give effect to the above.

50. In the Schedules—

(i) for the headings "The Schedules" and "Schedule I", substitute the heading "The Schedule".

(ii) for the heading "Qualifications for the Allopathic System", substitute the heading "Qualifications for Modern Medicine";

(iii) for the heading "Qualifications for the Homœopathic System"; substitute the heading "Qualifications for the Homœopathic Medicine."

(iv) omit the heading "Qualifications for Dentistry" and the entries thereunder;

(v) add the following headings and entries :—

"Qualifications for Ayurvedic and Siddha Medicines,

Certificate or diploma granted by,—

1. His Highness the Maharajas' Ayurveda College, Trivandrum or the Government of Travancore-Cochin.
2. The Sanskrit College, Trippunithura.
3. The Madhava Ayurveda College, Ernakulam.
4. The Benares Hindu University, Benares.
5. The Mysore Government Ayurvedic Vidyalaya, Mysore.
6. The All Travancore Siddha Vaidya Sanghom, Munchira up to the last day of May 1947.

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Qualification for Unani Tibbi Medicine.

Certificate or diploma granted by—

1. The Government of Madras.
2. The Tibbi College, Delhi,
3. The Aligarh University."

(vi) in Form I—

(a) in the heading, for "ten years", substitute "five years";

(b) in the opening paragraph, for the words "system of medicine", substitute the word "medicine" and for the word "ten years", substitute the words "five years".

(vii) in Form II—

(a) for the words "the Council of Modern System of Medicine", substitute the words "The Council of Modern Medicine| The Council of Homoeopathic Medicine| The Council of Indigenous Medicine."

(b) omit the words and figures "Part II of" and substitute the figures "1953" for the figures "1952".

(c) before the entry "Father's name", insert the following entry:—

"Date of birth".

(viii) Omit Schedule II and the entries thereunder. The changes are consequential.

(Sd.) 1. V. Madhavan (*Chairman*)
,, 2. Alexander Parambithaha
,, 3. L. M. Pylee
,, 4. E. P. Varghese
,, 5. R. Ponnappa Nadar
,, 6. R. Gangadharan
,, 7. Kambisseril Karunakaran
,, 8. Nedumangad R. Kesavan Nair (*Subject to the right of moving amendments*)
,, 9. N. S. Pillai

Trivandrum,
6th February 1953.

V. Krishnamoorthi,
Secretary to the Legislative Assembly.

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THE TRAVANCORE-COCHIN MEDICAL PRACTITIONERS BILL.

(As revised by the Select Committee)

Preamble.

WHEREAS it is expedient to regulate the qualifications and provide for the registration of practitioners of modern medicine, homoeopathic medicine and indigenous medicine with a view to encourage the study and spread of such medicines and to enact a law relating to medical practitioners generally in the State of Travancore-Cochin;

It is hereby enacted as follows :—

PART I

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Travancore-Cochin Medical Practitioners Act, 1953.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the Government may by notification in the Gazette appoint.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

"(a) 'Council' means in relation to matters pertaining to modern medicine, the Council of Modern Medicine, in relation to matters pertaining to homoeopathic medicine, the Council of Homoeopathic Medicine, and in relation to matters pertaining to indigenous medicine, the Council of Indigenous Medicine, established under Section 3";

(b) 'Homoeopathy' means the system of medicine founded by Dr. Hahenmann and the expression "homeopathic" shall be construed accordingly;

33/26/G.

(c) "Hospitals", "asylums", "infirmaries", "dispensaries", "clinics", "surgeries", "lying-in-hospitals" "sanatoria", "nursing homes", "vaidyasalas", "dharmasalás" and other cognate expressions mean institutions where the methods of treatment carried on are those which are approved by the appropriate council;

(d) "indigenous medicine" means the ayurvedic medicine, the siddha medicine and the unani tibbi medicine whether supplemented or not by such modern advances as the council of Indigenous Medicine may from time to time recognise;

(e) "medical school or college" means any institution where teaching or training in the art and science of healing for human ailments according to modern medicine, homeopathic medicine or indigenous medicine is imparted;

(f) "modern medicine" means the allopathic system of medicine";

(g) "practitioner" means any person ordinarily engaged in the practice of modern medicine or homeopathic medicine or indigenous medicine, as the case may be;

(h) "president" means the president of the appropriate council;

(i) "qualified practitioner" means a practitioner holding a recognised qualification;

(j) "recognised qualification" means a qualification enumerated in the Schedule;

(k) "register" means a register of practitioners maintained under this Act;

(l) "registered practitioner" means a practitioner whose name is for the time being entered in a register;

(m) "Registrar" means the Registrar of the appropriate council appointed under Section 19;

(n) "regulations" means regulations made by the appropriate council under this Act;

(o) "rules" means the rules made by the Government under this Act;

(p) "Schedule" means the Schedule to this Act;

PART II

Establishment of Councils.

3. (1) The Government shall, by notification in the Gazette, establish the following three councils :—

Establishment, incorporation and constitution of councils.

(*a*) the Council of Modern Medicine ;

(*b*) the Council of Homeopathic Medicine ; and

(*c*) the Council of Indigenous Medicine.

Each such council shall be a body corporate, and have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) (i) the Council of Modern Medicine shall consist of the following nine members :—

(*a*) the Surgeon General, *ex-officio* member ;

(*b*) one member elected by the Faculty of Medicine, University of Travancore, from among themselves ;

(*c*) one member elected by the teachers of the Medical College, Trivandrum, from among themselves ;

(*d*) four members elected by the registered practitioners of modern medicine from among themselves ; and

(*e*) two members nominated by the Government.

(ii) In making nominations under clause (i) (*e*), the Government shall have due regard to the claims of women, of medical missions and of other groups of practitioners, representatives of whom have not been elected by the electorates referred to in clauses (i) (*b*), (i) (*c*) and (i) (*d*).

(3) The Council of Homeopathic Medicine shall consist of the following five members :—

(a) four members, one from each Revenue District, elected by the registered practitioners of homeopathic medicine of that District ; and

(b) one member nominated by the Government.

(4) The Council of Indigenous Medicine shall consist of the following eleven members :—

(*a*) one member elected by the Faculty of Ayurveda, University of Travancore, from among themselves ;

(*b*) one member elected from among themselves by the teachers of—

(i) the Ayurveda College, Trivandrum ;

(ii) the Ayurveda Bhooshana Section of the Sanskrit College, Trippunithura ; and

(iii) the Madhava Ayurveda College, Ernakulam ;

(*c*) four members, one from each Revenue District, elected by the registered practitioners of ayurvedic medicine of that District from among themselves ;

(*d*) one member elected by the registered practitioners of the ayurvedic grant-in-aid vaidyans from among themselves ;

(*e*) two members elected by the registered practitioners of siddha medicine from among themselves ;

(*f*) one member elected by the registered practitioners of unani tibbi medicine from among themselves ;

(*g*) one member nominated by the Government from among the registered practitioners of indigenous medicine:

Provided that if there are not at least twenty-five registered practitioners in the ayurvedic medicine or the siddha medicine or the unani tibbi medicine, the Government shall nominate a member in respect of that medicine from among the registered practitioners of that medicine and the member so nominated shall, for the purposes of this sub-section, be deemed to have been duly elected.

(5) Notwithstanding anything contained in sub-section (4), the Government may, by notification in the Gazette, direct that the Council of Indigenous Medicine shall consist of less than eleven members if there are no qualified registered practitioners in the ayurvedic medicine or the siddha medicine or the unani tibbi medicine to be elected from among them.

Nomination of members in default of election.

4. If any of the members mentioned in clause (i) (b), (i) (c) or (i) (d) of sub-section (2) or in clause (a) of sub-section (3) or in clause (a), (b), (c), (d), (e) or (f) of sub-section (4) of Section 3 is not elected, the Government may nominate such qualified registered practitioner as they may deem fit : and the practitioner so nominated shall, for the purposes of this Act, be deemed to have been duly elected under clause (i) (b), (i) (c) or (i) (d) of sub-section (2) or clause (a) of sub-section (3), or

clause (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) of sub-section (4) of Section 3, as the case may be.

Qualification of members.

5. Every member of a council shall be a registered practitioner and the holder of a recognised qualification.

Nomination of members of first Councils.

6. Notwithstanding anything contained in Sections 3, 4 and 5, in the case of the first councils, all the members other than the *ex-officio* member shall be nominated by the Government:

Provided that the members so nominated shall be holders of recognised qualifications.

Disqualifications for membership.

7. A person shall be disqualified for being elected or nominated as, and for being, a member of a council,—

(*a*) if he has not attained the age of majority;

(*b*) if he is an undischarged insolvent;

(*c*) if he is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper;

(d) if he has been convicted by a Criminal Court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years or such less period as the Government may allow in any particular case has elapsed since his release;

(*e*) if he has been punished by the appropriate council or by the Travancore Medical Council in any manner for infamous conduct in the profession or if he is dismissed from service under any Government;

(*f*) if his name has been removed from the appropriate register maintained under this Act and has not been reinstated;

(*g*) if having been elected under clause (i) (*b*) of sub-section (2) of Section 3, he ceases to be a member of the Faculty of Medicine, University of Travancore;

(*h*) if having been elected under clause (i) (*c*) of sub-section (2) of Section 3, he ceases to be a teacher of the Medical College, Trivandrum.

(*i*) if having been elected under clause (*a*) of sub-section (4) of Section 3, he ceases to be a member of the Faculty of Ayurveda, University of Travancore;

(j) if having been elected under clause (b) of sub-section (4) of Section 3, he ceases to be a member of the teaching staff of the Ayurveda College, Trivandrum or of the Ayurveda Bhooshana Section of the Sanskrit College, Trippunithura or of the Madhava Ayurveda College, Ernakulam.

Term of office of members.

8. (1) Save as otherwise provided in this Act, the term of office of the members other than the *ex-officio* member shall—

(a) in the case of the first councils, be for a period of two years commencing from the date on which the first meeting of such councils is held; and

(b) in the case of any council other than the first council, be for a period of five years from the date on which the first meeting of such council is held.

(2) An outgoing member shall continue in office until the election or nomination, as the case may be, of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination, if otherwise qualified.

President and Vice-president.

9. (1) Each council shall elect one of its members to be its President and also another member to be its Vice-president:

Provided that the President of the first councils shall be nominated by the Government.

(2) The President shall be deemed to have vacated his office on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(3) The Vice-president shall be deemed to have vacated his office—

(a) on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member; and

(b) on his election as President.

(4) When the office of the President is vacant, the Vice-president shall exercise the functions of the President until a new President assumes office.

(5) When the office of the President is vacant or the President is incapacitated and there is either a vacancy in the office of the Vice president or the Vice-president is incapacitated, the Registrar shall, after giving notice of not less than seven clear days to the members of the Council, convene a meeting for the election of a President, if there is a vacancy in that office, and until a new President or

Vice-president is elected and assumes office, or either the President or the Vice-president recovers from his incapacity, as the case may be, the Surgeon General shall, notwithstanding anything contained in this Act, be *ex-officio* member and President of the council.

(6) An outgoing President or Vice-president is eligible for re-election.

Explanation.—A new President or Vice-president shall be deemed to have assumed office on his being declared elected as such.

Vacancies.

10. If a vacancy occurs in the office of a member of a council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the term of his office, the vacancy shall be filled in the manner prescribed by rules. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in Section 8, hold office only so long as the member in whose vacancy he is elected or nominated would have held office if the vacancy had not occurred:

Provided that it shall be lawful for a council to exercise its powers under this Act, notwithstanding such vacancy.

Appointments to be notified in the Gazette.

11. All elections, nominations and appointments of the President, Vice-president, members of each council and the Registrar shall be notified in the Gazette.

Cessation of membership.

12. A member of a council shall be deemed to have vacated his seat—

(*a*) on the expiry of the term of office;

(*b*) on resignation;

(*c*) on absence without excuse sufficient in the opinion of the appropriate council from three consecutive meetings of such council; or

(*d*) on becoming subject to any of the disqualifications mentioned in Section 7.

Resignation of membership.

13. Any member or Vice-president may at any time resign his office by giving notice in writing to the President; the President may resign his office by giving notice in writing to the appropriate council. Such resignation shall take effect in the case of a member or Vice-president from the date on which it is received by the

President and in the case of the President from the date on which it is placed before the council.

14. (1) No disqualification of or defect in the election or nomination of any person acting as a member of a council or as President or Vice-president or presiding member of a meeting shall be deemed to invalidate any act or proceeding of such council in which such person has taken part.

Validity of roceedings.

(2) No act done by a council shall be deemed to be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of such council.

15. Each council shall meet at such time and place and every meeting of the council shall be summoned by such person and in such manner as may be prescribed by regulations:

Time and place of meeting of Council.

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of such Council at such time and place as he may deem expedient by letter addressed to each member.

16 (1) Every meeting of a council shall be presided over by the President; in his absence by the Vice-president; and in the absence of both the President and the Vice-president by a member chosen by the meeting to preside for the occasion.

Presidency at meetings of council and procedure thereat.

(2) The President shall preserve order and shall decide all points of order at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President on any point of order shall be final.

(3) The Vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the President.

(4) All questions at a meeting of council shall be decided by the votes of the majority of the members present and voting at the meeting. Five members shall form a quorum except in the case of the council of Homeopathic Medicine for which the quorum shall be three. If within half an hour from the time appointed for the meeting there is no quorum, the meeting shall stand adjourned to the same day in the following week at the same time and

place and if at the adjourned meeting there is no quorum within half an hour from the time appointed for the meeting, the members present shall form a quorum.

(5) At every meeting of a council, the President shall, in addition to his vote as a member of the council, have a second or casting vote in case of an equality of votes.

Payment of fees and allowances.

17. There shall be paid to the President, Vice-president and other members of each council such fees and allowances for attendance in connection with the meetings of the council or of any committee there of and such travelling allowances as shall from time to time be prescribed by rules.

Executive committee.

18. Each council shall have power to appoint an executive committee and other committees from among its members and to delegate to such committee such of the powers and duties vested in the council as the council may deem fit, other than those provided by Sections 19 and 24.

Registrar

19. (1) The Government shall, after consulting each council, appoint a Registrar who shall be the Secretary to such council. He shall also be the Secretary to the committee appointed under sub-section (1) of Section 21. The Registrar shall receive such salary and allowances as may be prescribed by rules. The Government may grant him leave and may appoint a person to act in his place.

(2) Subject to such rules as may be prescribed, each council shall have power to punish the Registrar. Any order of such council punishing the Registrar shall not take effect without the previous approval of the Government.

(3) Each council may appoint or employ such other officers and servants as it may deem necessary for the purposes of this Act:

Provided that the number and designations of such officers and servants and their salaries and allowances shall be subject to the previous approval of the Government.

(4) The method of recruitment and the conditions of service such as pay, allowances, promotions, leave, pension,

gratuity and provident fund relating to the officers and servants appointed or employed under sub-section (3) shall be governed by the rules applicable to officers and servants of the Government of similar class.

(5) All officers and servants appointed or employed under sub-section (3) shall be under the direct control and supervision of the Registrar. The powers of the Registrar to punish, dismiss, discharge and remove any such officer or servant, shall be governed by such rules as may be framed by the Government in this behalf.

(6) All officers and servants appointed or employed under sub-sections (1) and (3) shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Duties of Registrar.

20. (1) Subject to the provisions of this Act and subject to any general or special order of the appropriate council, it shall be the duty of the Registrar to keep the registers.

(2) There shall be separate registers for modern medicine, homoeopathic medicine, ayurvedic medicine, siddha medicine, and unani tibbi medicine. The registers shall be in such form and shall contain such particulars as may be prescribed by rules. Each register shall be divided into two Parts, A and B, Part A containing the names of practitioners holding recognised qualifications and Part B containing the names of those registered by virtue of clause (ii) of sub-section (1) of Section 23.

(3) The Registrar shall keep the registers correct in accordance with the provisions of this Act and the rules and regulations made thereunder, and shall remove from the registers the names of registered practitioners who are dead or whose names are directed to be removed from the registers under Sections 28, 33 and 34.

(4) For the purposes of this section, the Registrar may write by registered post to any registered practitioner at the address which is entered in the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the register:

Provided that the appropriate council may, on the application of the said practitioner, direct that his name

be re-entered in the register, if it is satisfied that the said practitioner has not ceased to practise.

(5) The registers shall be deemed to be public documents under Section 74 of the Indian Evidence Act.

Framing of regulations and procedure for amendment thereof.

21. (1) As soon as the first council is formed, the Council of Modern Medicine and the Council of Indigenous Medicine shall each appoint a committee of five members and the Council of Homoeopathic Medicine shall appoint a committee of three members. The Registrar and the Secretary to Government in charge of the Health Section shall be *ex officio* members of each committee. Three members shall form the quorum for each committee.

(2) The committee shall draw up the regulations under this Act. All regulations framed by the committee shall be placed before the appropriate council for its consideration and with the modifications, if any, made by such council, shall be submitted to the Government for approval.

(3) It shall be competent to each council to delete, add to, modify or alter all or any of the regulations. A proposal for such deletion, addition, modification or alteration shall not be taken into consideration unless twenty five or more registered practitioners petition such council and demand the same. Such changes shall not be deemed to have been effected by such council unless not less than seventy five per cent of the members present at the meeting of such council vote in favour of the same.

Default of Council.

22. (1) If at any time it shall appear to the Government that a council has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Act or has failed to perform any of the duties imposed upon it by or under this Act, the Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to such council, and if such council fails to remedy such default, excess or abuse, within such time as the Government may fix in this behalf, the Government may dissolve such council and cause all or any of the powers and duties of such council to be exercised and performed by such person and for such period as it may think fit, and thereupon the

funds and property of such council shall vest in the Government for the purposes of this Act until a new council shall have been constituted under Section 3.

(2) When the Government have dissolved a council under sub-section (1), it shall take steps as soon as may be to constitute a new council under Section 3; and thereupon the property and funds referred to in sub-section (1) shall vest in the council so constituted.

REGISTRATION

23. (1) Subject to the provisions of sub-sections (2) and (5),—

Eligibility for registration.

(i) every holder of a recognised qualification,

(ii) every person who, within the period of one year or such other longer period as may be fixed by the Government from the date on which this Act comes into force, proves to the satisfaction of the appropriate council that he has been in regular practice as a practitioner for a period of not less than five years preceding the first day of April 1953,

shall be eligible for registration under this Act;

Provided however that no practitioner shall be registered under clause (ii) after the expiration of one year, or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(2) Applicants for registration under clause (ii) of sub-section (1) shall produce a certificate in Form I as set forth in the Schedule. The certificate shall be from an officer of the Revenue Department not below the rank of a Tahsildar or any other person authorised by the Government in this behalf.

(3) The Government may, after consulting the appropriate council, permit the registration of any person who shall furnish to such council proof that he is possessed of a medical degree, diploma or certificate of any University, medical school or college approved by such council other than those mentioned in the Schedule.

(4) The Government shall have power to direct the registration of any practitioner who at the time of

registration under this section is employed in a hospital, asylum, infirmary, clinic, surgery, lying-in-hospital, sanatorium, nursing home, dispensary, vaidyasala or dharmasala managed by any corporate body:

Provided however that no such practitioner shall be registered under this sub-section after the expiration of one year, or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(5) No person shall be eligible for registration under sub-section (1), sub-section (3) or sub-section (4) if he is subject to any of the disqualifications mentioned in clauses (a) to (f) of Section 7.

Registration fee.

24. (1) An application for registration under this Act shall be in Form II as set forth in the Schedule accompanied by a fee of Rs. 20.

(2) Every registered practitioner who applies to the Registrar for registration in respect of any additional recognised qualification obtained subsequent to registration under this Act shall pay a fee of Rs. 5.

(3) If the appropriate council directs the registration of the applicant, the Registrar shall enter the name of the applicant in the appropriate register and issue to him a certificate in such form and containing such particulars as may be prescribed by rules.

(4) Nothing in sub-section (1) or sub-section (2) shall be deemed to apply to any person whose name has been registered for the primary or additional recognised qualification, as the case may be, under any enactment for the registration of practitioners in modern medicine, homoeopathic medicine or indigenous medicine for the time being in force in any State in India, if the said enactment provides for the registration of persons registered under this Act without payment of any fee for the primary or additional recognised qualification, as the case may be.

(5) Any practitioner not registered under this Act or to whom sub-section (4) does not apply but registered in any other State in India, shall obtain the previous permission of the appropriate council for practising as a medical practitioner in the State on payment of such fee as may be prescribed by rules.

25. (1) The Registrar shall prepare and keep a list called "List of persons in practice on the first day of April 1953".

List of practitioners as on 1st April 1953.

(2) Every person not being a person qualified for or entitled to registration under this Act, who within a period of one year or such other longer period as may be fixed by the Government, from the commencement of this Act, proves to the satisfaction of the Registrar that he has been in regular practice in the State on the first day of April 1953, of modern medicine, homœopathic medicine, ayurvedic medicine, siddha medicine or unani tibbi medicine shall be entitled to have his name entered in the aforesaid list on payment of Rs. 10:

Provided however that any person whose name has been removed from the registers maintained under the Travancore Medical Practitioners Act, 1119 or the registers maintained under any Act of a State Legislature in India or the register of any country where he was formerly practising, for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list.

(3) The provisions of sub-sections (3) and (4) of Section 20, Section 27 and Section 33 shall *mutatis mutandis* apply to the list referred to in sub-section (1).

26. (1) Every practitioner registered under the Travancore Medical Practitioners' Act, 1119 shall be deemed to be a practitioner registered under this Act, if at the commencement of this Act, his name stands entered in the appropriate register maintained under the said Act and every certificate of registration issued to every such practitioner shall be deemed to be a certificate of registration issued under this Act.

Practitioners registered under the Travancore Medical Practitioners' Act, 1119.

(2) The Registrar shall as soon as may be after the commencement of this Act enter in the appropriate registers the names of all such practitioners as are referred to in sub-section (1) without an application and without payment of any fee.

27. (1) All applications for registration under Section 23 shall be sent direct to the Registrar.

Application for registration.

(2) The Registrar shall place all applications under this section before the committee of the appropriate council appointed for the purpose for its report.

(3) The report of the committee under sub-section (2) shall be placed before the appropriate council for its decision.

Removal from registers by council.

28. (1) The name of any person who becomes subject to any of the disqualifications mentioned in clauses (b) to (e) of Section 7 shall be liable to be removed altogether or for a specified period from the register:

Provided that the appropriate council may, on sufficient cause being shown, direct that the name of the practitioner so removed shall be re-entered in the register.

(2) The name of no practitioner shall be removed from the register on the ground of his association in any professional respect with an unregistered practitioner for consultation if such unregistered practitioner is possessed of any recognised qualification:

Provided that the registered practitioner shall not be relieved of any obligations or compliance with any rules of conduct which may be imposed upon registered practitioners generally by the appropriate council.

Removal from registers on application.

29. (1) Any practitioner registered under this Act may make an application to the appropriate council for the removal of his name from the register of practitioners and the council may on such application direct such removal:

Provided that no application from such practitioner for the removal of his name from the register shall be considered during the pendency of any disciplinary proceedings against him, or in case any disciplinary proceedings are contemplated against him, until such proceedings are dropped or commenced and concluded:

Provided further that if any such application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the appropriate council, had his name continued to remain on the register, it shall be rejected.

(2) A practitioner whose name has been removed from the register under sub-section (1) may on application

being made and on payment of such fee as may be prescribed by rules get himself re-registered if he is at that time eligible for registration under this Act.

Annual list of practitioners.

30. (1) The Registrar shall in every year on or before the date to be fixed by the appropriate council cause to be published in the Gazette a full or supplementary list of the names and qualifications of all practitioners registered under this Act and the dates when such qualifications were acquired.

(2) The Registrar shall from time to time cause to be published in the Gazette the names of such practitioners which have been duly removed under any of the provisions of this Act.

(3) In any proceeding it shall be presumed that every person whose name is entered in the list published under sub-section (1) is a registered practitioner and that any person whose name is not so entered is not a registered practitioner:

Provided that in the case of a person whose name has been entered in the register after the publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Act. Such certificate shall be issued free of charge.

Disability.

31. (1) No registered practitioner other than a qualified registered practitioner who has not undergone a course of practical training in surgery or obstetrics under modern medicine to the satisfaction of the appropriate council shall practise surgery or obstetrics.

(2) No registered practitioner shall follow any other profession without the sanction of the appropriate council so long as his name continues in the register.

Privileges.

32. Notwithstanding anything contained in any law for the time being in force—

(1) the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or words importing a person recognised by law as a medical practitioner or member of the medical profession when

used in any enactment for the time being in force in the State shall be construed to mean a qualified registered practitioner.

(2) No certificate required by law to be given by a medical practitioner shall be valid unless it is signed by a qualified registered practitioner.

(3) No person other than a qualified registered practitioner shall be eligible to hold after one year from the commencement of this Act any appointment as a physician, surgeon, vaidyan or other medical officer in any dispensary, hospital, infirmary, clinic, surgery, lying-in-hospital, sanatorium, nursing home, vaidyasala, dharmasala or other similar institution:

Provided that this sub-section shall not be deemed to operate against a registered practitioner not being the holder of a recognised qualification who at the commencement of this Act holds any such appointment.

Appeal to the council from the action of the Registrar.

33. (1) Any person aggrieved by the action of the Registrar regarding any entry in the register may appeal to the appropriate council.

(2) Such appeal shall be heard and decided by the council in the manner prescribed by regulations.

(3) The appropriate council may, of its own motion or on the application of any person after such inquiries as the council may deem fit to make and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the council, such entry was fraudulently or incorrectly made.

Alteration of register by Government.

34. The Government may after giving due notice to the person concerned and to the appropriate council and after inquiry into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Government to have been fraudulently or incorrectly made or brought about be cancelled or amended.

Appeal to Government from the decision of the council.

35. An appeal shall lie to the Government from every decision of a council under Sections 24, 27, 28 and 33. Such appeal shall be preferred within three months from the date on which notice of the order of the council was issued in such manner and subject to such conditions as may be prescribed by rules.

36. (1) The Government may after previous publication make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

Rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

(a) with reference to all matters expressly required or allowed by this Act to be prescribed by rules ;

(b) with reference to the elections of President and Vice-president or members including election petitions and deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited :

Provided that the deposit required shall not exceed fifty rupees ;

(c) as to the manner in which vacancies shall be filled under Section 10 ;

(d) as to the fees and other allowances payable to the President, Vice-president and the other members of each council under Section 17 ;

(e) as to the salary, allowances and other conditions of service of the Registrar under Section 19 ;

(f) as to the powers of the Registrar to punish the officers and servants appointed or employed under Section 19 ;

(g) as to the form of the registers and the particulars to be entered therein under Section 20 ;

(h) as to the application of the fees and other amounts received under this Act;

(i) as to the form of the certificate to be issued under Section 24 and the particulars which it shall contain;

(j) as to the procedure relating to appeal to the Government from the decisions of each council under Section 35;

(k) as to the furtherance of any of the objects of each council.

(3) All rules made under this section shall be published in the Gazette.

Regulations.

37. (1) Each council may with the previous sanction of the Government make regulations not inconsistent with this Act or the rules made thereunder for all or any of the following matters, namely:—

(a) the time and place at which the council shall hold its meetings and the manner in which such meetings shall be convened and held;

(b) the procedure relating to appeals against the action of the Registrar under Section 33;

(c) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) All regulations made under this section and duly confirmed by the Government shall be published in the Gazette.

(3) The Government may by notification in the Gazette cancel any such regulations.

PART III.

Medical Practitioners generally.

Persons not registered under this Act etc., not to practise.

38. No person other than (i) a registered practitioner or (ii) a practitioner whose name is entered in the list of practitioners published under Section 30 or (iii) a practitioner whose name is entered in the list mentioned in Section 25 shall practise or hold himself out, whether directly or by implication, as practising modern medicine, homoeopathic medicine, or ayurvedic medicine, siddha medicine or unani tibbi medicine, and no person who is not a registered practitioner of any such medicine shall practise any other medicine unless he is also a registered practitioner of that medicine :

Provided that the Government may by notification in the Gazette direct that this section shall not apply to any person or class of persons or to any specified area in the State where none of the three classes of practitioners mentioned above carries on medical practice:

Provided further that this section shall not apply to a practitioner eligible for registration under this Act who after having filed the application for registration is awaiting the decision of the appropriate council or of the Government in case of appeal:

Provided also that this section shall not apply to a practitioner eligible for registration under this Act until

the period prescribed for applications under Section 23 expires.

Penalty.

39. Any person who acts in contravention of Section 38 shall on conviction be punishable with fine which may extend to Rs. 100 for the first offence and to Rs. 500 for every subsequent offence after his conviction for such first offence.

Authority to confer title.

40. The right of conferring, granting, or issuing in the State of Travancore-Cochin degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine, or unani tibbi medicine shall be exercisable only by such authority, body or institution as are mentioned in the schedule.

Prohibition of conferment etc., of degree etc.

41. (1) Save as provided by Section 40, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practise modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine, or unani tibbi medicine.

(2) Whoever contravenes the provisions of subsection (1) shall on conviction be punishable with fine which may extend to Rs. 1,000 and if the person so contravenes is an association, every member of such association who knowingly or wilfully authorises or permits the contravention shall on conviction be punishable with fine which may extend to Rs. 1,000.

Penalty for unauthorised issue of titles etc., implying medical qualifications.

42. (1) No person shall add to his name any title, letters or abbreviations which imply that he holds a degree, diploma, license or certificate as his qualification to practise modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi medicine unless—

(a) he actually holds such degree, diploma, license or certificate, and

(b) such degree, diploma, license or certificate—

(i) is recognised by any law for the time being in force in the State of Travancore-Cochin;

(ii) has been conferred, granted or issued by an authority referred to in the Schedule; or

(iii) has been recognised by the Medical Council of India; or

(iv) in cases not falling under sub-clauses (i), (ii) and (iii) has been conferred, granted or issued by an authority empowered or recognised as competent by the Government to confer, grant or issue such degree, diploma, licence or certificate.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable, in the case of a first conviction with fine which may extend to Rs. 250 and in the case of a subsequent conviction with fine which may extend to Rs. 500.

Penalty for falsely assuming or using medical titles.

43. Whoever wilfully and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by any authority referred to in Section 40 or recognised by the Medical Council of India or that he is qualified to practise modern medicine, homœopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi medicine shall be punishable with fine which may extend to Rs. 250 for the first offence and to fine which may extend to Rs. 500 for every subsequent offence.

Prosecution.

44. Whenever a council is of the opinion that the prosecution of any person for breaches of any of the provisions of this Act is necessary, such council may by resolution recommend to the Government the institution of such prosecution and the Government may thereupon authorise in writing any officer to initiate such prosecution.

Jurisdiction of Magistrate.

45. (1) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

(2) No court shall take cognisance of any offence under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

46. No act done in the exercise of any power conferred by or under this Act on the Government, a council, the executive committees, or the Registrar shall be questioned in any civil court.

Jurisdiction of Civil Courts barred.

PART IV.

MISCELLANEOUS.

47. If it shall appear to the Government, on the report of the appropriate council or otherwise, that the course of study and examinations prescribed by any of the medical schools or colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Government, on the report of the appropriate council or otherwise, that the course of study and examinations prescribed by any medical school or college or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Government, from time to time by notification in the Gazette, to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

Alteration of list of recognised qualifications mentioned in the Schedule.

48. The Travancore Medical Practitioners Act, 1119 (VII of 1119) is hereby repealed.

Repeal.

THE SCHEDULE.

Recognised Qualifications.

A

Qualifications for Modern Medicine.

I. Any medical degree or diploma granted by—

(i) The University of Travancore;

(ii) Universities established by an Act of Parliament;

(iii) Any other University in India recognised by the Government;

(iv) State Medical Faculty of Bengal;

(v) College of Physicians and Surgeons of Bombay;

(vi) Board of Examiners, Medical College, Madras.

II. All qualifications recognised by the Medical Council of India.

B

Qualifications for Homoeopathic Medicine.

All qualifications which may be recognised by the Government or the Government of any State in India or the Medical Council of India.

C

Qualifications for Ayurvedic and Siddha Medicines.

Certificate or diploma granted by—

1. His Highness the Maharaja's Ayurveda College, Trivandrum or the Government of Travancore-Cochin.
2. The Sanskrit College, Trippunithura.
3. Th Madhava Ayurveda College, Ernakulam.
4. The Banares Hindu University, Banares.
5. The Mysore Government Ayurvedic Vidyalaya, Mysore.
6. The All Travancore Siddha Vaidya Saughom, Munchira upto the last day of May 1947.

D

Qualifications for Unani Tibbi Medicine.

Certificate or diploma granted by—

1. The Government of Madras.
2. The Tibbi College, Delhi.
3. The Aligarh University.

FORMS.

FORM I.

CERTIFICATE OF FIVE YEARS PRACTICE REFERRED TO IN SECTION 23 (2).

Office of the..

Dated.............................19

On the basis of the records in this Office or facts known after due inquiry I certify that Sri..has been shown or proved as following the occupation of a practitioner of the........................ medicine for not less than five years as shown below :—

(a) at 1 (b) from....................to....................

2 from....................to....................

3 from....................to....................

1. The date of birth of the applicant.
2. Present occupation of the applicant.
3. Father's name and occupation
4. Other occupations (if any) of the applicant.

Signature.

Designation.

(a) Here enter the name or names of the place or places where the applicant is shown of practising or having practised.

(b) Here enter the dates showing the beginning and termination of practice in each place.

N. B. (1) The certificate should bear the date stamp of the office of issue, if any.

(2) The printed wordings in the certificate should not be altered.

(3) Other occupations to be noted in this column are other occupations followed during the periods of practice noted above.

FORM II.

APPLICATION FOR REGISTRATION REFERRED TO IN SECTION 24 (1).

Professional address.

Dated 19

To

The Registrar,

The Council of Modern Medicine / The Council of Homoeopathic Medicine / The Council of Indigenous Medicine,

Travancore-Cochin,

Trivandrum.

Sir,

I have the honour to request that my name may be registered under the Travancore-Cochin Medical Practitioners' Act, 1953 and that I may be furnished with a certificate of registration.

2. The information necessary for registration is specified below.

3. The diploma which I possess is forwarded herewith in original which please return when no longer required.

4. The registration fee of Rs. 20 is herewith sent.

Yours faithfully,

(*Signature*)

Applicant's name in full (the full signification of the initials which stand before the name should be given)

Date of birth

Father's name.

Medical qualifications of which registration is required.

College or school where each was obtained.

Year of diploma.

Any remarks.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.